REMARKS

Status Summary

Claims 1-6 are pending in the subject patent application. Claims 1-6 have been canceled. Claims 7-140 have been added. Support for new claims 7-140 can be found throughout the subject patent application. Therefore, upon entry of this Amendment, claim 7-140 will be pending. Reconsideration of the application based on the arguments set forth hereinbelow is respectfully requested.

Drawings Objections

The Examiner indicated that the drawings are objected to by the Draftsperson for the reasons noted on the Notice of Draftsperson's Patent Drawing Review (Form PTO-948). Upon review of Form PTO-948 included in the Official Action, it appears that the subject drawings have been approved by the Draftsperson. Therefore, applicants respectfully submit that the objection to the drawings should be withdrawn.

Claim Objections

The Examiner has objected to claim 2 due to informalities. Claim 2 has been canceled. Therefore, applicants respectfully submit that the objection to claim 2 should be withdrawn.

Claim Rejections 35 U.S.C. § 102

Claims 1 and 6 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0036132 to de los Santos

(hereinafter, "Santos"). In addition, claims 2-5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,377,438 to Deane et al. (hereinafter, "Deane"). Claims 1-6 have been canceled. Therefore, applicants respectfully submit that the rejection of claims 1-6 based on the cited references should be withdrawn.

New Claims

New claims 7-140 have been added. Independent claims 7, 27, 46, 64, 80, 94, 108, 121, 133, and 137 are believed to be patentably distinguishable from the cited references Santos and Deane.

Independent claim 7 recites a micro-electro-mechanical (MEMS) variable capacitor comprising a first and second capacitive electrode. The second capacitive electrode is spaced from a first capacitive electrode for movement of at least one of the capacitive electrodes in a substantially straight direction with respect to the other capacitive electrode upon application of voltage across the first and second actuation electrodes to change the capacitance between the first and second capacitive electrodes. Applicants respectfully submit that the cited references do not disclose or suggest these features of claim 7.

Similar to claim 7, independent claim 27 recites a micro-electro-mechanical (MEMS) variable capacitor comprising a first and second capacitive electrode. The second capacitive electrode is spaced from a first capacitive electrode for movement of at least one of the capacitive electrodes in a substantially straight direction with respect to the other capacitive electrode upon application of voltage across the first and second actuation electrodes to change the capacitance between the first and second capacitive electrodes. Applicants respectfully submit that the cited references do not disclose or suggest these features of claim 27.

Independent claim 46 recites a micro-electro-mechanical (MEMS) variable capacitor comprising a first and second capacitive electrode. The second capacitive electrode is spaced from the first capacitive electrode for movement of the first

capacitive electrode with respect to the second capacitive electrode upon application of voltage across first and second actuation electrodes to change the capacitance between the first and second capacitive electrodes. Applicants respectfully submit that the cited references do not disclose or suggest these features of claim 46.

Similar to claim 46, independent claims 64, 80, and 94 recite a micro-electro-mechanical (MEMS) variable capacitor comprising a first and second capacitive electrode. The second capacitive electrode is spaced from the first capacitive electrode for movement of the first capacitive electrode with respect to the second capacitive electrode upon application of voltage across first and second actuation electrodes to change the capacitance between the first and second capacitive electrodes. Applicants respectfully submit that the cited references do not disclose or suggest these features of claims 64, 80, and 94.

Independent claim 108 recites a micro-electro-mechanical (MEMS) variable capacitor comprising a first and second capacitive electrode. The second capacitive electrode is spaced from the first capacitive electrode for movement of the first capacitive electrode in a substantially straight direction with respect to the other capacitive electrode upon application of voltage across the first and second actuation electrodes to change the capacitance between the first and second capacitive electrodes. Applicants respectfully submit that the cited references do not disclose or suggest these features of claim 108.

Similar to claim 108, independent claim 121 recites a micro-electro-mechanical (MEMS) variable capacitor comprising a first and second capacitive electrode. The second capacitive electrode is spaced from the first capacitive electrode for movement of the first capacitive electrode in a substantially straight direction with respect to the other capacitive electrode upon application of voltage across the first and second actuation electrodes to change the capacitance between the first and second capacitive electrodes. Applicants respectfully submit that the cited references do not disclose or suggest these features of claim 121.

Independent claim 133 recites a micro-electro-mechanical (MEMS) variable capacitor comprising a first and second capacitive electrode. The second capacitive electrode is spaced from the first capacitive electrode for movement of at least one of the capacitive electrodes with respect to the other capacitive electrode upon application of voltage across first and second actuation electrodes to change the capacitance between the first and second capacitive electrodes. Applicants respectfully submit that the cited references do not disclose or suggest these features of claim 133.

Similar to claim 133, independent claim 137 recites a micro-electro-mechanical (MEMS) variable capacitor comprising a first and second capacitive electrode. The second capacitive electrode is spaced from the first capacitive electrode for movement of at least one of the capacitive electrodes with respect to the other capacitive electrode upon application of voltage across first and second actuation electrodes to change the capacitance between the first and second capacitive electrodes. Applicants respectfully submit that the cited references do not disclose or suggest these features of claim 137.

Further, claims 8-27, 28-45, 47-63, 65-79, 81-93, 95-107, 109-120, 122-132, 134-136, and 138-140 depend from the independent claims, and therefore, include the features of the independent claims. Thus, the dependent claims are also believed to be patentably distinguished from the cited references.

CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. **50-0426**.

Respectfully submitted,
JENKINS, WILSON & TAYLOR, P.A.

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